

REMARKS

In response to the Office Action mailed June 27, 2005, the present application has been carefully reviewed and amended. Applicant thanks Examiner Pickard for the consideration in the interview of October 11, 2005. Entry of the present amendment and reconsideration of the application is respectfully requested.

Claim Rejections under 35 USC §103**Claims 1-38 and 40-47**

Claims 1-38 and 40-47 stand rejected under 35 USC §103 as being obvious over Saint-Louis Augustin (US 5,005,317) in view of Bova (US 5,314,752). [Paper 20050623, page 2]

Saint-Louis Augustin is relied upon to disclose "a weather seal with a cellular seal portion 31 formed of a polymeric material. An outer sealing surface is defined by two, different materials 31 and 37." [Paper 20050623, page 2]

Applicant respectfully submits the outer sealing surface of Saint-Louis Augustin is not defined by different materials 31 and 37. Rather, the material 37 forms the contact surface and hence the sealing surface with the glass 12_a. The material 31 does not contact the glass, and thus does not to form a sealing surface with the glass.

The sliding coating of Saint-Louis Augustin is located and sized to form the operative surface of the second lip. As set forth in Saint-Louis Augustin:

ing with the window glass. The wiper seal further comprises a second lip which is offset downwards relative to the first, and which is shaped and placed in such a manner as to come into contact with the window glass only when the glass is fully extended, in which case the second lip bears sufficiently against the glass for the lip to provide satisfactory sealing, with the first lip being covered on portions thereof liable to come into contact with the window by means of a relatively flexible covering of flock, whereas the second lip is coated on its operative portion with a sliding coating.

(Abstract)

That is, the operative portion of the second lip contacts the glass, and the operative portion is coated with a sliding coating.

ble covering of flock whereas the second lip is provided on its operative portion with a sliding coating of the polyolefin, polytetrafluoroethylene, etc. . . . type, or the like.

(Col. 2)

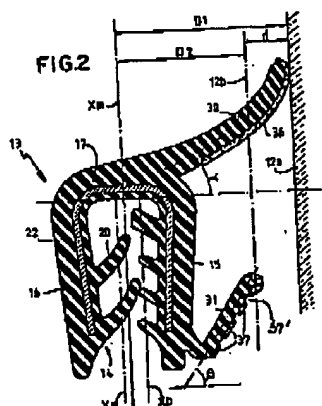
Again, the sliding coating on the second lip that contacts the glass, rather than the material 31.

shorter and more steeply sloping and it has a sliding coating that makes contact with the window only when it is fully raised, and therefore does not run any danger

(Col. 2)

Saint-Louis Augustin thus discloses it is the sliding coating that contacts the glass.

Specifically, as seen in Figure 2 of Saint-Louis Augustin:



Also advantageously, the bottom lip may be tubular in shape with a fractioned sliding coating, thereby providing greater flexibility without reducing its sealing qualities.

(Col. 2)

That is, the sliding coating is put on the bottom lip 31 to reduce friction with the glass 12a. Were the material 31 to contact the glass, it would increase the friction and thus be expressly contrary to the recited purpose of the sliding coating 37.

The bottom lip 31 has its free end and its bottom face
25 coated with a sliding coating 37 which is interrupted by
gaps 37', which coating is preferably made of a plastic
material having a low coefficient of friction, e.g. a poly-
olefin or polytetrafluoroethylene. The length and the
positions of the coating are such as to ensure that it does
30 not come into contact with the window except when
the surface of the window directed towards the wiper
seal is in its position 12b, i.e. when the window is fully
extended. Thus, in this example, the lip 31 is both
shorter than the lip 30 and has a mean axis which makes
35 an angle β relative to the mean axis B of the web of the
stub, which angle β is much greater than the angle α
made by the top lip 30. The angle β and the length of
the bottom lip 31 are chosen in such a manner as to
ensure that this lip exerts relatively low pressure on the
40 glass but nevertheless exerts sufficient pressure to en-
sure sealing when the glass is fully extended, while
avoiding any risk of the lip making contact with the
glass in any position other than the fully extended posi-
tion.

(Col. 4)

Therefore, Saint-Louis Augustin does not disclose "an outer sealing surface [is] defined by two, different materials 31 and 37." Only material 37 seals against the glass 12a.

Applicant recognizes Figures 4 and 5 of the present application are similar to Figures 2 and 3 of Saint-Louis Augustin in that the elements 62 project from the adjacent portion of the seal as is similar to the material 37 on lip 31 of Saint-Louis Augustin.

However, Claim 1 recites in part "the freeze release material and at least a portion of the polymeric material are located to contact the confronting surface." In contrast, in the present application, "the sealing surface 60 is constructed so that both the freeze release strip 62 and the non freeze release material simultaneously contact the confronting surface... the freeze release strips and the adjacent sealing portion form a substantially continuous surface against the panel." [0046]

Not only is there no disclosure in Saint-Louis Augustin that material 31 contacts the window 12a, but the disclosure as a whole clearly instructs that the purpose of material 37 is to prevent material 31 from touching the window.

Cellular sealing portion in Saint-Louis Augustin

Applicant respectfully submits Saint-Louis Augustin does not disclose "a cellular seal portion 31." [Paper 20050623, page 2] Applicant is unable to find any of the terms "sponge", "cell", "cellular" or "foam" in Saint-Louis Augustin. While Saint-Louis Augustin notes the material 31 can have different degrees of resilience and hardness, there is no disclosure of a cellular material.

Combination of Saint-Louis Augustin and Bova

Both Saint-Louis Augustin and Bova teach, that to reduce friction, the material of the seal body must not touch the window. Saint-Louis Augustin reduces the friction by flock 36 on the upper lip 30 and the strips 37 on the lower lip 31. Bova "hides" the underlying sponge material by coating the entire surface with a low friction – freeze release material.

Applicant recognizes *Keller* states "the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art." *In re Keller*, 208 USPQ 871, 883 (CCPA 1981).

The combined teaching of Saint-Louis Augustin and Bova is to prevent the material of the seal body from contacting the window, and cover the seal body with a low friction coating. No basis has been provided for ignoring the express disclosure of both Saint-Louis Augustin and Bova to prevent the material of the seal body from contacting the window.

It is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. *In re Wesslau*, 353 F.2d at 241, 147 USPQ at 393.

Applying the material of Bova to the seal of Saint-Louis Augustin, does not account for the express purpose of each reference being to reduce friction by precluding the material of the sealing body from touching the window. In contrast, the present claims expressly recite a portion of the seal member contacting the window as well as the freeze release material.

Bova

Applicant acknowledges Bova discloses a coating having desired freeze release and coefficient of friction properties. However, applicant respectfully submits Bova does not disclose a sealing surface (coating) formed of two materials. Rather, Bova employs a single composite skin over a cellular member.

Bova discloses a permanent skin surface on the sponge material of a weatherseal to provide the desired freeze release. The noncellular skin composition which is disposed about the cellular body forms a skin which is the contact surface of the weatherseal. Thus, the sealing surface of Bova is a single material, a compounded freeze release material. That the compounded freeze release material is a composition of a plurality of ingredients, the ingredients are compounded to form a single freeze release material which is then disposed about the cellular sealing portion does not suggest the present limitations.

Specifically,

The invention concerns a silicone-modified EPDM modified with a freeze release additive of a fatty acid amide and/or optionally, graphite having at least 85% carbon, and compounded and co-extruded onto the surface of elastomeric sponge automotive weatherstripping thereby forming a permanent skin surface on the sponge material. The resulting material has improved and desirable freeze-release and coefficient of friction properties. These improved properties eliminate the (Abstract)

15 The instant invention represents a cost savings by (1) imparting the necessary freeze release and coefficient of friction properties to EPDM sponge by co-curing a thin-skin of the high performance silicone-modified EPDM based material of this invention onto the EPDM sponge; and (2) eliminating the need for sprayed urethane or silicone coatings to impart the needed surface properties to the weatherstripping. (Col. 2)

SUMMARY OF THE INVENTION

The primary object of this invention is to incorporate the necessary freeze-release properties onto the weatherstripping by cocuring a non-cellular skin composition onto the cellular body, also referred to as an elastomer base layer as described in the following description and examples.

(Col. 2)

They are co-extruded onto the surface of the weatherstrip forming a Permanent skin surface that will have coefficient of friction and release properties similar to urethane and/or silicone spray coatings currently used for this purpose.

(Col. 3)

It is the blended compound that provides the freeze release properties and the desired coefficient of the friction in Bova, rather than two materials. Bova obtains the desired freeze release properties by covering the underlying sponge with a non-cellular skin.


Dependent Claims 6 and 34

Claims 6 and 34 generally recite "the freeze release material is substantially flush with an adjacent portion of the cellular sealing portion contacting the confronting surface" [Claim 6] and "at least one freeze release area is substantially flush with an adjacent portion of the sealing surface in contact with the vehicle pane" [Claim 34]."

Applicant respectfully submits that even if the material of Bova were applied to Saint-Louis Augustin, as seen in the Figures of Saint-Louis Augustin, the Bova material would not be substantially flush with the adjacent surface as set forth in Claims 6 and 34. Further, the construction recited in Claims 6 and 34 is directly contrary to the express purpose of Saint-Louis Augustin of having the sliding coating contact the window instead of the material 31. Thus, the rejection of these claims has also been overcome.

Therefore, applicant respectfully submits all the pending claims, Claims 1-38 and 40-47 are in condition for allowance and such action is earnestly solicited. If, however, the Examiner feels any further issues remain, she is cordially invited to call the undersigned so that such matters can be promptly resolved.

Respectfully submitted,


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